

yield the recited method. Further, the references do not suggest that they be combined in the manner described by the Examiner.

The Applicant provides herewith evidence (Affidavit of M. Nazie Eftekhari) of commercial success and long-felt, unresolved need in the industry for a method as recited in the claims. Ms. Eftekhari's Affidavit describes that HealthEZ's commercial success has been achieved through the use of the revolutionary billing and payment system claimed in this application. Further, Ms. Eftekhari's affidavit describes the long-felt need, prior to the Applicant's system and method, for the streamlined procedure for administrating an employer self-funded health benefit plan. This evidence of commercial success and long-felt, unresolved need shows that the Applicant's claimed method and system are not obvious in light of the prior art.

The Applicant respectfully requests reconsideration of the determination of obviousness in light of this evidence of non-obviousness.

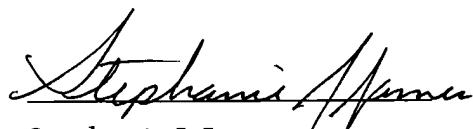
In further support of a conclusion of non-obviousness, the Applicant again argues the points made in its amendment of August 21, 2003.

### CONCLUSION

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Respectfully submitted,  
HEALTHERZ, INC.  
By its attorneys:

Date: 1/3/05



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